

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Policy and Rules Concerning the)
Interstate, Interexchange Marketplace)
)
Implementation of Section 254(g) of the)
Communications Act of 1934, as amended)

CC Docket No. 96-61

COMMENTS

MCI Telecommunications Corporation and its affiliated common carrier companies ("MCI") hereby offer their comments in response to the "Petition For Further Reconsideration" filed by The Utility Reform Network and the Telecommunications Management Information Systems Coalition ("URN Petition") and a similar petition filed by Telecommunications Research and Action Center, Consumer Action, and the Consumer Federation of America.

Petitioners take the Commission to task for depriving them, first, of the essential service-related information contained in filed tariffs and, then, the information that would have been furnished under the substitute approach abandoned by the Commission, which would have required non-dominant interexchange carriers "to make information on current rates, terms, and conditions for all of their . . . domestic . . .

interexchange services available to the public in an easy to understand format and in a timely manner."¹ They make a compelling case that information concerning carrier services is essential "for the valid purpose of [consumers] making informed choices among the vast array of long distance service providers."²

Petitioners really are arguing for continuation of tariffing as the appropriate mechanism for transacting between carriers and their customers, especially smaller ones. The Commission's abandoned proposal, it should be noted, did not define *how* or *when* service-related information would be disclosed to the public. It may be that petitioners assume that such information would have been published - albeit in some unknown fashion - with the clarity and quickness that characterize tariff-filings, but that can't be assumed easily. It is highly unlikely that carriers, in the absence of tariffing, would conduct themselves as though they still were

¹ *Second Report and Order*, 11 FCC Rcd 20730, 20776 (1996). It is unclear why the Commission removed this obligation. The speculation is that the Commission did so in order to avoid the extremely difficult, if not impossible, task of defending the requirement in court that carriers cancel their tariffs but, nevertheless, continue to disclose publicly service rates, terms and conditions - the very same information that had been contained in tariffs "in an easy to understand format and in a timely manner."

² URN Petition at 17.

filing tariffs. With this the case, there could be no guarantee that the information that would have been available under the Commission's abandoned scheme would be easily attainable by, or understandable to, consumers, or even current, for that matter.

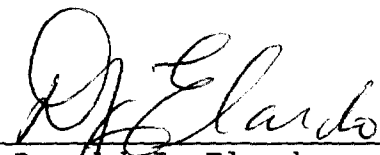
MCI continues to believe that tariffs serve the interests of customers and carriers alike. They provide essential service information to consumers in order to allow for their informed "buy" decisions. Also, they lend clarity to the business arrangement because carriers are driven to that end owing to their need and desire to avoid customer confusion and litigation, as well as applicability of the well-settled legal principle holding that ambiguous tariffs will be interpreted in favor of the customer (and against the carrier). Finally, from the carrier's perspective, tariffs are an extremely efficient way to conduct business, especially in an effectively competitive environment in which products are introduced and changed rapidly and involve many millions of customers. This efficiency results in lower costs to carriers which, in turn, translates into lower rates for consumers.³

³ In documents filed last year in court to support its successful stay request involving the Commission's mandatory detariffing decision, MCI showed that it would cost in excess of \$100 million each year if it were forced to convert its residential and small business customers from tariffs to contracts. It would be naïve in the extreme to conclude that MCI -- or any other carrier for that matter -- simply would

Under the circumstances, MCI respectfully submits that the public interest requires that the Commission abandon its mandatory detariffing proposal and, instead, adopt permissive detariffing in its place. Such action also could include the adoption of a policy that addresses public disclosure requirements whenever a non-dominant interexchange carrier elects not to tariff a service. In this manner, petitioners, and millions of other telecommunications consumers as well, will have available to them essential service information, either as a result of filed and effective tariffs or some alternative Commission-established public disclosure approach.

Respectfully Submitted,

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absorb these additional costs and not pass them through to customers in the form of higher rates.

CERTIFICATE OF SERVICE

I, Vernell V. Garey, do hereby certify that the foregoing “**COMMENTS**” in CC Docket No. 96-61 were sent by postage-prepaid first class mail to the following:

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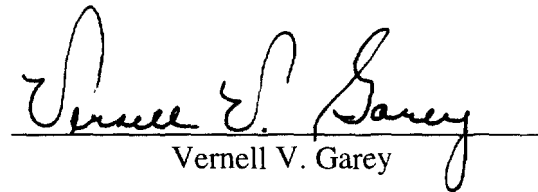
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